

**REMARKS**

Claims 1-21 are pending and at issue in the application. Claims 1-13 and 18-20 have been allowed. The applicants appreciate the favorable ruling. Additionally, claims 15 and 16 are objected to, but would be allowable if rewritten in independent form to include all of the limitations of their respective base claims and any intervening claims. Claim 21 has been rejected under 35 U.S.C. §112, but would be allowable if rewritten or amended to overcome this rejection. Claim 17 is also rejected under 35 U.S.C. §112.

Claims 14 and 17 are the only two claims subject to a prior art rejection.

**CLAIM REJECTIONS UNDER 35 U.S.C. §112**

The office action rejects claim 17 based upon the use of coupled in different context within the claims. The office action states that claim 17 recites an auxiliary drive mechanism that is alternately coupled and uncoupled from a main drive mechanism. This interpretation, per the office action, is contrary to other uses of the term coupled elsewhere, for example, claim 1. The applicants respectfully disagree and respectfully assert that the rejection is predicated upon a misunderstanding regarding the recited subject matter.

The auxiliary drive mechanism recitation in claim 17 references coupled and uncoupled movement between a first panel and a second panel. That is, claim 17 describes coupling and uncoupling in the context of a movement between two bodies. Figures 4-7 of the application illustrate examples in which panels may be coupled together, and still experience relative coupled and uncoupled movement depending on the operating position of the door. The usage of coupled in various locations within the claims is not indefinite but rather distinct and definite, as would be understood by persons of ordinary skill in the art. Page 8 of the specification, for example, describes a drive mechanism 50 that selectively couples lag panel 20 to lead panel 18 "such that the panels move independently during part of their travel and, dependently for other parts of travel." Lines 19-21. Whether the coupled and uncoupled movement is achieved by a single structure or different structures is of no import. The rejection of claim 17 as indefinite is improper and traversed.

To further clarify the recited subject matter, the applicants have amended claim 17 to recite "an auxiliary drive mechanism coupling the first door panel and the second door panel."

The office action rejects claim 21 stating that the last line should include the term "opening" in place of closing. The applicants respectfully disagree and traverse.

Claim 21 recites a door adapted to at least partially cover a doorway, the door having "an auxiliary drive mechanism coupling power from the main drive mechanism to the second door panel." The door is recited as having a first opening phase and "a second opening phase occurring after the first opening phase when moving the door from the closed to the opened position." With figure 4 illustrating a closed position, figure 5 may be considered as illustrating an exemplary first opening phase. In the example of figure 5, the right side of the illustration shows a lag door panel 16 moving with a lead panel 14, due to the engagement of protrusions 60 and 62. Figure 6 may be considered as an example second opening phase, or end thereof, wherein the lag panel 16, having been moved by auxiliary drive unit 52 to a furthest most position, has stopped, and lag panel 14 has moved independently of lag panel 16. Claim 21 recites that "the first door panel moves independent of the second door panel during a second opening phase." Figure 7 illustrates an example first closing phase from which these same two panels, 14 and 16, may move independently of one another. Of course, these illustrations from the application are by way of example only. The applicants' representatives highlight the examples for explanation purposes.

Turning to the last phrase in claim 21, the applicants respectfully assert that the application provides ample support for the language claimed. For example, the paragraph bridging pages 9 and 10 of the specification provides:

As lead panel 18 continues toward the closed position, a protrusion on panel 18 engages a similar protrusion on lag panel 20 (similar to protrusion 62 of panel 14 engaging protrusion 60 of panel 16), thus pulling lag panel 20 closed. One of skill in the art will appreciate that drive mechanism 50 could also be used to close lag panel 20 by, for example, providing an appropriately-positioned stop such as stop 72. Other means for moving lag panel 20 to the closed position are also conceivable. (Emphasis added)

As the specification describes, the panel 18 in figure 7 continues to move towards the closed position independently of the movement of lag panel 20 until a protrusion engages the lag panel and pulls the lag panel to the closed position. However, this second panel may be closed during the second closing phase by the auxiliary drive mechanism 50, for example, by using a second stop. The application provides ample support for the recited subject matter, which subject matter is definite. The rejection is improper and should be removed.

### **CLAIM REJECTIONS UNDER 35 U.S.C. §103**

Claim 14 recites *inter alia* a method of operating a door adapted to at least partially cover a doorway and a wall comprising opening the door by actuating a main drive mechanism to initially translate a first door panel toward a first open position and using power from the main drive mechanism to actuate an auxiliary drive mechanism. Claim 14 stands rejected based upon Kramer and Kramer in combination with Sexton.

The office action acknowledges that Kramer is directed solely to a window. Kramer in fact describes its embodiments as relating to "windows having a plurality of window sashes horizontally slidable on rollers running on rails." Figure 1 shows rollers 20 running along the top of a lower chamber 14, which houses the gear shaft that moves the Kramer window panes. Despite its vastly different teachings, the office action suggests that the differences between Kramer's window and a door are "largely functional."

Of course even if true, that is not a sufficient basis to sustain an obviousness rejection, which requires a *prima facie* showing of some teaching, suggestion or motivation in the prior art to make the proposed modification. Nevertheless, setting aside the clearly improper nature of the rejection, there is simply no teaching in the prior art of how Kramer's window, and in particular its lower chamber 14, could be adapted for use in a doorway, which generally connotes egress and ingress access. For these reasons alone, the applicants respectfully traverse the obvious rejection.

Separately and additionally, the applicants note that, while the office action points to Kramer's operated closure as serving as the auxiliary mechanism, there is no suggestion in the office action that Kramer teaches structure that uses "power from the main

drive mechanism to actuate an auxiliary drive mechanism which couples the first door panel and the second door panel." Sexton is also described in the office action as providing inter-engaging protrusions, i.e., auxiliary drive mechanisms. However, as with Kramer, there is no teaching or suggestion in Sexton of structure that uses "power from the main drive mechanism to actuate an auxiliary drive mechanism which couples the first door panel and the second door panel." Neither Kramer nor Sexton, alone or in combination, teaches the recited subject matter.

The applicants also traverse the obviousness rejection of Sexton in combination with Kramer because the office action fails to set forth a *prima facie* case of obviousness. There is no teaching, suggestion or motivation to combine the two references. The deficiency is particularly glaring because Kramer's drive mechanism is located in a lower chamber housing below the movable panes. There is no suggestion as to how one could hope to modify the Sexton fire proof shutter with such a mechanism.

Claim 14 and claims 15 and 16, by implication, are in condition for immediate allowance.

Claim 17 stands rejected based on Kramer and separately Kramer in combination with Sexton. The applicants have noted above with respect to claim 14 that both obviousness rejections are improper, as the office action has failed to provide a *prima facie* case of obviousness. The same holds true with respect to the rejections of claim 17. For these grounds alone, the applicants respectfully traverse the rejections.

Additionally as stated above, the applicants have amended claim 17 for clarification purposes to recite an auxiliary drive mechanism "coupling the first door panel and the second door panel." As noted above with respect to similar terminology in claim 14, neither Kramer nor Sexton, alone or in combination, teach such a drive mechanism. As such, the obviousness rejections of claim 17 are respectfully traversed. Claim 17 is in condition for allowance.

The applicants note that claim 18 as originally filed erroneously depended from claim 1. Claim 18 has been amended above to depend from claim 17 and remains in condition for allowance.

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In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

A petition for a three-month extension of time and fee are filed herewith.

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Respectfully submitted,

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